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Attorneys for Plaintiff, SCOTT KOLLER

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SCOTT KOLLER, an individual, on behalf
of himself, the general public and those
similarly situated,

CASE NO. 3:14-cv-02400-RS

Plaintiff,

**STIPULATION TO SHORTEN TIME ON
MOTION FOR PRELIMINARY APPROVAL,
WITHDRAW MOTION FOR SUMMARY
JUDGMENT, AND CONTINUE CASE
MANAGEMENT CONFERENCE**

DEOLEO USA, INC.; and MED FOODS, INC..

Defendants.

WHEREAS, on March 27, 2018, the Parties entered into a settlement agreement;

WHEREAS, as part of the settlement, Plaintiff Koller has agreed to withdraw, without prejudice, his motion for partial summary judgment (dkt. # 121), currently set for hearing on April 12, 2018 at 1:30 p.m.;

WHEREAS, this Court has also scheduled a case management conference at the same time;

WHEREAS, Plaintiff filed his motion for preliminary approval on March 29, 2018 (dkt. # 144) and set it for hearing on May 10, 2018, which was the next available hearing date that was at least 35 days after the filing of the motion;

WHEREAS, the motion for preliminary approval will be unopposed;

WHEREAS, Deoleo's counsel has a conflict with the April 12 hearing date;

13 **THEREFORE**, the parties request that (1) Plaintiffs' motion for partial summary
14 judgment (dkt. # 121), currently set for hearing on April 12, 2018 at 1:30 p.m., be deemed
15 withdrawn without prejudice, (2) this Court shorten the time on which the Motion for Preliminary
16 Approval will be heard and set that hearing for April 19, 2018 at 1:30 p.m., and (3) the Court
17 continue the Case Management Conference to the same time, April 19, 2018 at 1:30 p.m.

18 || STIPULATED AND AGREED:

Dated: April 3, 2018

/s/ Kristen G. Simplicio

Adam J. Gutridge

Seth A. Safier

Kristen G. Simplicio

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Attorneys for Plaintiff

Dated: April 3, 2018

/s/ Jeffrey Margulies

Jeffrey Margulies

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Los Angeles, California 90071

1 Attorneys for Defendant
2 Deoleo USA, Inc.
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5 Pursuant to Local Civil Rule 6-2(a), and **GOOD CAUSE APPEARING THEREFOR,**
6 Plaintiffs' motion for partial summary judgment (dkt. # 121), currently set for hearing on April
7 12, 2018 at 1:30 p.m., is deemed withdrawn without prejudice, (2) the Court shortens the time on
8 which the Motion for Preliminary Approval will be heard and sets that hearing for April 19, 2018
9 at 1:30 p.m., and (3) the Court continues the Case Management Conference currently set for
April 12, 2018 to April 19, 2018 at 1:30 p.m.

10 **IT IS SO ORDERED.**

11 DATED: 4/9/18

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13 THE HONORABLE RICHARD SEEBORG
14 UNITED STATES DISTRICT JUDGE
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